

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, ) CRIM. NO. 04-30046 MAP  
vs. )  
ALBERT INNARELLI, ET AL., )  
Defendants.)

IN CLERK'S OFFICE  
FILED  
MAY 13 A.G. II  
U.S. DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

PARTIES' JOINT MEMORANDUM PURSUANT TO LOCAL RULE 116.5(A)

The United States of America, by and through Michael J. Sullivan, United States Attorney for the District of Massachusetts, and William M. Welch II, Assistant United States Attorney, hereby files this joint memorandum pursuant to Local Rule 116.5(A) and the Magistrate Judge's Scheduling Order.

1. The parties agree that relief should be granted from the otherwise applicable timing requirements imposed by Local Rule 116.3. This case has been designated a complex case. In addition, the Government and defense counsel have been working out logistics regarding discovery.

2. The Government has produced a complete set of tapes and/or CDs to all of the defendants.

3. At this time, the defendants have not completed their review of all of the automatic discovery. Counsel for defendant Matos has not viewed the loan files and designated what documents

that he wants copied. Several defense counsel have viewed the discovery, have designated what documents they want copied, and are awaiting receipt of those documents from the copy center. Counsel for defendant Changasie is currently awaiting for approval of court funds to copy approximately thirty-three loan files. The Government believes that the discovery requests of all of the remaining defendants have been satisfied.

4. The parties agree that a motion date should not be set under FRCP 12(c) at this time. Until discovery has been copied and reviewed, the parties are not in a position to set any motion dates. The parties anticipate filing motions. The parties agree that the court should set dates for discovery letters and/or discovery motions.

5. Excludable delay should be ordered under 18 U.S.C. § 3161(h)(8)(A) and Local Rule 112.2(A)(1), (2), and (3) from the date of the last status conference, which occurred on February 15, 2005, to the present. As of February 15, 2005, no time had run on the Speedy Trial Clock.

As previously indicated, this case has been designated a complex case. All parties have been attempting to complete the discovery process. Therefore, the court should order that no time has run on the Speedy Trial Clock from the date of the last status conference through April 14, 2005.

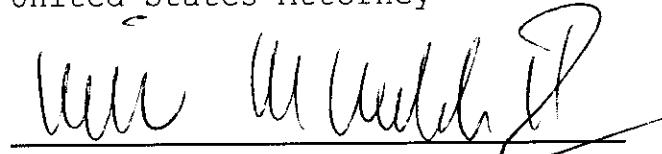
6. The parties believe at this point that a trial should be anticipated. At this time, the Government would estimate a trial of two months.

7. A third Interim Status Conference should be set for mid-June, 2005.

Filed this 13 th day of April, 2005.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

  
WILLIAM M. WELCH II  
Assistant United States Attorney

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For defendant Michael Bergdoll

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For defendant Jonathan Frederick

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For defendant Joseph Sullivan

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DANIEL KELLY, ESQ.  
Counsel for defendant Sullivan

CERTIFICATE OF SERVICE

Hampden, ss.

Springfield, Massachusetts  
April 13, 2005

I, William M. Welch, Assistant U.S. Attorney, do hereby certify that I have served a copy of the foregoing by faxing said motion to:

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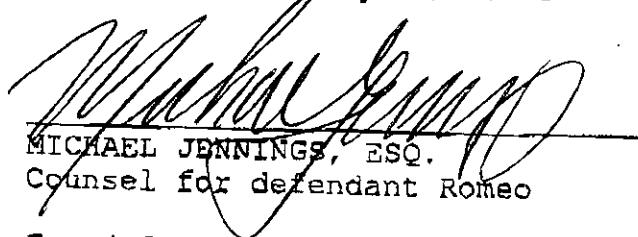
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